

Exhibit E



Maryland Transportation Authority

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
James F. Ports, Jr., Chairman

Board Members:

Dontae Carroll	Mario J. Gangemi, P.E.
William H. Cox, Jr.	Cynthia D. Penny-Ardinger
William C. Ensor, III	Jeffrey S. Rosen
W. Lee Gaines, Jr.	John F. von Paris

William Pines, PE, Executive Director

July 21, 2022

BEN
The Honorable Benjamin L. Cardin
U.S. Senate
509 Hart Senate Office Building
Washington DC 20510

CHRIS
The Honorable Chris Van Hollen
U.S. Senate
110 Hart Senate Office Building
Washington DC 20510

STENY
The Honorable Steny H. Hoyer
U.S. House of Representatives
H-107 The Capitol
Washington DC 20515

Dear Senator Van Hollen, Senator Cardin, and Congressman Hoyer:

Thank you for your recent correspondence regarding the existing Nice/Middleton Bridge and its possible retention and use as a future shared use (bicycle/pedestrian) facility. As the Chairman of the Maryland Transportation Authority (MDTA), I am honored to respond.

Based on the MDTA analysis, we estimated \$46.7 million in 2015 dollars is necessary to maintain the existing bridge for bicycle and pedestrian use for a 30-year time horizon. Based on recent inflation, maintenance costs are now anticipated to be considerably higher. Furthermore, this does not include cost impacts now that the new bridge design is complete and construction is nearing completion. For example, MDTA would require permit modifications to retain the existing bridge to account for the additional stormwater management impervious area impacts and account for the loss of mitigation provided by existing bridge demolition materials for artificial reef habitat enhancement. Furthermore, the current contract has no provisions for tying in the newly aligned approach roadways with the existing bridge, where portions of the existing roadway and bridge must be removed to accommodate the new roadway slopes. The redesign and added construction costs, along with contractor delay costs, were not included in the 2015 analysis, but further demonstrate that retaining the existing bridge would be a significant negative cost impact to the MDTA.

The concept of retaining the existing bridge was also evaluated by the MDTA numerous times in response to inquiries by other groups and entities considering taking ownership. In each case, however, the costs associated with maintaining a 1.9-mile complex bridge (over 80-years-old) made retaining the bridge unfeasible. Additionally, the cost estimates for the modifications to the bridge to make it safe and viable as a shared-use pathway are also substantial. Early in the project development, the MDTA offered for Charles County to take ownership of the existing bridge because they claimed that it would enhance economic development. The county independently concluded that it was not affordable to retain the existing bridge.

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Following the early request from Charles County, Virginia and King George County separately requested information about options to keep all or portions of the existing bridge. Both chose not to pursue retaining the existing bridge due to the future facility maintenance costs. Virginia independently investigated retaining all or portions of the existing bridge. Among other challenges, the Virginia Department of Transportation (VDOT) summarized the anticipated ownership costs as follows:

- “A biennial bridge safety inspection for a structure of this size is estimated to cost around \$1 million, using 2021 dollars. Every four years, an underwater bridge inspection and hydrographic surveys would be needed, which are estimated to cost an additional \$125,000.”
- “Initial maintenance activities would be needed to open the structure as a recreational facility. These activities may include cleaning the deck, beams, and piers to remove chlorides; minimal deck patching; and placing epoxy waterproofing. This list is not all-inclusive. These initial maintenance activities are estimated to cost in the \$3.3 million to \$3.5 million range, using 2021 dollars.”
- “Looking at average bridge maintenance costs over the past 10 years, MDTA has invested an average of \$313,376 annually for routine upkeep. The annual cost fluctuates significantly depending on the specific tasks performed over a 12-month period and has ranged from no cost in one year to a peak of \$1.5 million. This estimated cost also does not reflect seasonal maintenance activities such as snow removal.”
- “The bridge would need to remain able to accommodate the weight of vehicles for emergency, maintenance, and inspection purposes. The existing bridge barrier railing is lower than what is currently required to safely protect pedestrians and bicyclists. A taller barrier railing or an attached pedestrian railing would likely need to be installed for the length of the bridge. This would be an initial cost that is estimated to range from \$6 million to \$6.5 million in 2021 dollars, depending on the height of the railing and the materials used. The bridge would need to be handicapped-accessible and comply with the Americans with Disabilities Act.”

VDOT independently expected the upfront costs to retain the existing bridge at approximately \$9.3 million to \$10 million plus over \$800,000 annually to maintain the existing bridge. The cost estimate excludes major rehabilitation activities that are likely, as the bridge further ages. VDOT’s cost investigation reasonably aligned with MDTA’s and neither estimate includes:

- Inflationary costs, especially if maintenance is deferred;
- Costs for operational maintenance, such as trash and snow removal, etc.;
- Costs for lighting, fencing, and ITS, and/or other means for controlling bridge access;
- Security and vagrancy management costs, which may be necessary as King George County has noted significant historical challenges at Dahlgren Wayside Park; and
- Costs to the existing Contract and the MDTA for the items noted above (e.g., scope not in Contract, Contractor delays, and environmental mitigation).

Based on their independent cost investigation, Virginia is no longer pursuing taking ownership of the structure. This is partly due to the unaffordability of maintaining the existing bridge, but also includes their other concerns, including “The grade of the Nice/Middleton Bridge is quite steep at the navigation channel and may not be appropriate for many recreational users.”

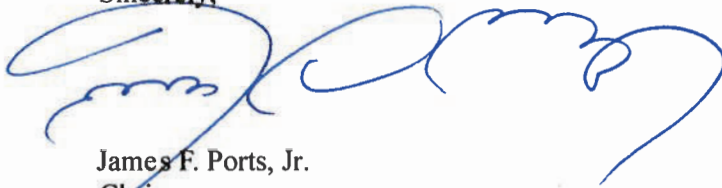
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In addition to the cost feasibility, there are physical challenges with retaining the existing bridge related to the scouring of the river bottom around the bridge foundations, resulting from the interaction of scouring mechanisms between the two structures. The new bridge was designed with the understanding that the existing bridge would be demolished at the end of this year. Based on recent renewed requests to retain the existing bridge, we performed an extensive scour analysis to determine the impact on the new bridge foundations from leaving the existing bridge piers in place. The results of these analyses, which were presented to the participating federal agencies, concluded that leaving the existing bridge foundations is a safety threat to the new bridge based on FHWA guidelines for evaluating scour at bridges. Based on this finding, leaving the existing bridge foundations in place is not an option.

For the reasons above, maintaining the 80-year-old existing Nice/Middleton Bridge is not an option. Therefore, we will continue with the permitted plan to demolish the existing bridge and use the demolition materials for enhancing artificial reef habitat. While the existing bridge does not support bikes today, the new Nice/Middleton Bridge project includes several bicycle safety improvements within the project area, such as active timed warning beacons, bicycle traversable bridge joints, and bicycle signing that will allow for lane sharing on the new bridge for possible connections to potential future trail network(s) around the Potomac River. Since there are no existing trails leading up to the bridge, lane sharing on the new bridge will also effectively tie into the lane sharing utilized today on the approach roadways.

Thank you again for contacting me. I appreciate hearing from you. If you have further questions, please contact MDTA's Project Director, Brian Wolfe, PE, at 410-537-8200 or bwolfe3@mdta.state.md.us. Mr. Wolfe will be happy to assist you. Of course, you may always contact me directly.

Sincerely,



James F. Ports, Jr.
Chairman

*P.S. HOPE YOU ALL ARE
HAVING A GREAT SUMMER! RD*

cc: William Pines, PE, Executive Director, MDTA
Brian Wolfe, PE, Director of Project Development, MDTA